Correspondence.

BUILDERS' TENDERS.

Sir,—During the last year, I have been a constant reader of your valuable miscellany, and it is with considerable pain I have from time to time observed inserted under the head "Tenders" much to detract from that high tone of moral feeling and action which it otherwise inculcates? In what respect, I would ask, can your readers be edified, or that system of fair and honourable dealing which you so properly advocate be promoted, by such announcements as are frequently to be found there? Talk about competition amongst architects, why it sinks into nothing when compared with an announcement of last week as to estimates; for we are informed that some half-dozen (I hope not builders) had met together near Wisbeach in most unworthy contest to scramble for the repewing "Leverington Church;" and what is the result? why THE BUILDER is made the channel through which to inform the public that these worthies are ready to *undertake* work, I suppose from the same plans and specification (as nothing is said to the contrary), at sums varying from 25 to 60, aye 80 per cent. over or under each other; and thus builders as a body are held up to the world as men destitute of those common principles of action by which honest men are guided, and that degrading, demoralizing system of competition, so much practised in the present day, although condemned by all good men, is perpetuated. Now, Sir, THE BUILDER during the past year has been made the medium through which this sort of advertisement has been announced to the world, and I really feel a degree of disgust when I see the names of architects parading these puffing announcements which frequently, from the humble amounts, tell a sad, humiliating tale, but nevertheless are calculated to feed the cupidity of exacting employers, and damage the reputation of honest men; for the man whose estimate so far exceeds that of a speculator or needy adventurer is sure to be set down as dishonest, when nine times out of ten it is the only real honest offer amongst them, and the principle upon which it is founded the most fair. How do you account for these discrepancies (to call them nothing worse), in estimates for the same work, frequently published in your paper? It is true, Mr. Sugden has thrown some light on the subject in his letter of last week, wherein he states the quantities for the work were handed to him by some irresponsible party; on inquiry, he is informed they are *correct;* they contain 1,000 feet less of stone than he was called upon to use; the amount of the building is to that extent kept down, he signs the agreement and now (perhaps properly), complains of the consequence. I do think, Sir, your readers have some claim on you to exhibit in their proper colours such transactions when forced upon your attention, and not to allow those specious announcements "Tenders" to be published to the world with a sort of advertising impunity.—I am, Sir, yours, &c. TRUTINA.

January 30th, 1845.

[If the publication of tenders, often shewing ruinous differences between the highest and the lowest, have the effect of drawing attention, as it has drawn the attention of our present correspondent and many others, to the evils of the system, it may lead to some change, and so effect good.—ED.]

MODE OF HEATING CELLS.—PENTONVILLE PRISON.

Sir,—In reply to "A.B.," Northampton, I beg to state that the cells at Pentonville Prison are warmed by the fresh air passing over an iron case filled with hot water, previous to its being conveyed through the vertical flues leading to each cell. The apparatus was fixed by Messrs. Haden, of Trowbridge. The same system is now being adopted at the new prison at Northampton. The ventilation of Pentonville prison has been noticed more than once in THE BUILDER, but not favourably. We have, however, excellent health here, there being very little sickness amongst the prisoners, which would not be the case under a bad system of ventilation.—I am, Sir, your obedient servant,

THOMAS LAURIE,
Clerk of the Works.

CORRESPONDENCE ON NEW METROPOLITAN BUILDINGS ACT.

WIDENING STREETS UNDER THE BUILDINGS ACT.

Sir,—There is a very narrow part of High-street in consequence of the houses having been originally built thus ⟩ opposite a straight line. The freeholder and the commissioners of pavement are willing to join in the expense of pulling down the fronts and setting them back, so as to make them parallel. Now the new Act, under the head "Front," says, if one front be taken down the height of one story, party timber partitions and walls under and over the same are to be taken down, and party walls substituted.

If I read this right, this great improvement cannot be made; your view of this case is respectfully requested.—Yours,

Shadwell. J. T. L.

["For the purpose of preventing the express provisions of this Act from hindering the adoption of improvements," &c., the official referees are required by the 11th section to set forth to the Commissioners of Woods any grounds for a modification of its rules that may be submitted to them, and the commissioners are empowered to direct the official referees to make such an order in the matter as may appear to them to be requisite. The application would not be expensive, and might readily be made: it does not seem likely, however, that it would be successful in the present case.—Ed.]

TEMPORARY BUILDINGS.

Sir,—Can you inform me, through the medium of your valuable journal, whether I am at liberty to build in my garden a shed, to be used as a temporary joiner's shop for ten or twelve months, with just room for one bench, without being obliged to build according to the new Building Act? It would be clear of any other building by about 10 feet, and could not interfere with the landlord's insurance.—I am, Sir, yours,

AN OLD SUBSCRIBER.

Dover-road, February 5th, 1844.

[It must be built in accordance with the provisions of the Act.—ED.]

JURISDICTION OF OFFICIAL REFEREES.

Sir,—In your paper, 25th January, you give an extract from a decision, or rather an opinion of the official referees, as to the construction of the term "already built," with reference to buildings commenced before 1st January last, in which it is stated, "the commencement must be a *bonâ fide* one; and that our present impression is, that the erection of the footings with two or more courses of the walls themselves built in a workmanlike manner, is such a commencement." From the vast number of houses so commenced, the question becomes a most important one. With every respect and deference to the legitimate authority of the referees, I cannot understand how they at present assume to act in the matter—they are an Appellant Court from the district surveyors, called into action only upon ground of complaint by or of such surveyors. Who has the power, or what would be the course taken to insist upon parties proving the *bonâ fides* with which such operations were commenced? And still less do I imagine they could insist that such commencement should be done "in a workmanlike manner." The Act from the 1st January last, evidently controls workmanship and construction; but the exceptive clause distinctly implies that parties up to that period may adopt the course they have heretofore pursued. It would, from the opinion of the referees, appear that what they term a *bonâ fide* commencement would not be controlled as to any extent of work. They then define what would be sufficient under any circumstances. And, I presume, the inference to be drawn is, that where *bonâ fides* cannot be proved, a less quantity of work than they have defined would be considered an evasion of the Act, which is a term I cannot admit. It would seem, the only course that can be taken to raise the question would be by complaint of the district surveyor (treating the alleged commencement as nugatory), that he had received no notice of the commencement of the building. If resisted, by an appeal to a court of law upon the construction of the clause, I take it, the *onus probandi* would be on the district surveyor. I cannot imagine the equitable jurisdiction, given to the referees for all matters arising after the 1st January, would be permitted to operate upon questions in difference arising from acts done before such period. Another important point is involved by the quoted opinion of the referees as to the progress of works so commenced, in which they say, "the parties concerned are at liberty to pursue what course they please, so that the buildings are finished on the 1st January, 1846." To this opinion I would demur, as it appears to me, the finishing of the building is not in any way controlled. The clause treating of what is to be deemed "already built," states, houses so commenced are to be "covered in and *rendered fit for use* within twelve months thereafter." But this is merely a permissive clause, not made liable to any penalties under the Act, which only accrue for acts of omissions or commission in respect of works begun after the 1st January. The following clause, which is inactive as to the term "hereafter to be built," distinctly states that it is "to apply to all buildings to be built or commenced after the 1st day of January, 1845, or which being commenced shall not be *covered* in within twelve months thereafter." I would therefore inquire with whom is the power of complaint, or what penalty attaches for their not being "rendered fit for use within twelve months thereafter?" I will not further trespass on your columns, although I consider the opinion of the referees as to streets "*formed after the passing of the Act*" would admit of question.

Yours, &c.,

GREENWAY ROBINS, Architect.

Hill-street, Peckham, Feb. 4th, 1845.

JURISDICTION OF OFFICIAL REFEREES.

Sir,—Referring to your note appended to the letter of "A Constant Reader" in your last No., in which you doubt the doctrine therein laid down, in respect to jurisdiction of official referees, there cannot arise a doubt that the official referees have jurisdiction in all matters upon which a difference may arise upon any point in "all buildings commenced after the 1st of January, 1845;" the question at issue is as to buildings commenced before that day. The officials have themselves admitted that they have no jurisdiction in a new district, *vide* their reply and directions in answer to Mr. Allen, and published in your No. 103.

As to old districts, the Act 14 Geo. 3, c. 78, is still in operation in all cases of beginning before the 1st of January, 1845, and will so continue to January, 1846.

Now, as there is very great doubt upon this point, it would be very satisfactory to me and many others to be enlightened, and the question settled, before we recommence our building operations, having "already commenced" so as to come within the terms and conditions of "already built," as laid down in the construction of words, 7 & 8 Vict. Trusting that yourself or some of your readers will give attention to the question at issue, and enlighten your readers thereupon,—I am, Sir, &c.,

AN OLD SUBSCRIBER.

5th February, 1845.

FALLING OF THREE NEW HOUSES IN LIVERPOOL.—Last Thursday week three new and unfinished houses in Upper Canning-street, fell with a tremendous crash, the walls carrying nearly the whole of the joists, floors, &c., into the cellar, and smashing the timber into comparatively small pieces. The buildings were of four stories in height, of brick, and formed the eastern end of a new row of houses on the south side of the street. Luckily no one was by at the time of the accident. We find that the lower or cellar portion of the walls to the datum level was roughly built of broken pieces of soft freestone called "nobling," and so imperfectly put together as to be inadequate to support the superincumbent weight rising to an elevation of 46 feet. The walls were but 9 inches in thickness, which were quite inadequate for buildings of that size. The houses are upon what was formerly Mossluke-field, in which the unbroken ground is yet a black moss to the depth of 2 or 3 feet. The foundations, however, were sunk below this to apparently a stratum of soft sandstone, and the probability is that the house gave way from the cause assigned.—*Liverpool Courier.*

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